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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,564	01/23/2004	Adrian B. Chernoff	GP-303008	4888

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EXAMINER

COLETTA, LORI L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,564

Applicant(s)

CHERNOFF ET AL.

Examiner

Lori L. Coletta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 13-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1 and 8-12 is/are rejected.
- 7) ☐ Claim(s) 2-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05-10-2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 13-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on January 31, 2005.

Claim Objections

2. Claim 11 is objected to because of the following informalities:

Regarding claim 11, "The vehicle door" (line 1) needs to be changed to

--The vehicle floor--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Krull 6,537,641.

Regarding claim 1, Krull '641 discloses a vehicle floor (468) comprising a unitary, one-piece panel formed with an integral channel for routing a vehicle distribution conduit (32) at least partially within said channel, wherein the vehicle distribution system is electrical or hydraulic in Figure 6.

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Regarding claim 10, Krull '641 discloses a vehicle floor (468), wherein the panel is formed to at least partially define a front floor pan portion, a rear floor pan portion and a trunk portion.

Regarding claim 11, Krull '641 discloses a vehicle floor (468). Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kroll 6,537,641 in view of Volz et al. 2002/0027368.

Regarding claim 8, Kroll '641 discloses the vehicle floor (468) but does not show the panel is formed to at least partially define integral, opposing rocker panel portions.

Volz et al. '368 teaches a floor panel formed to at least partially define integral, opposing rocker panel portions in Figure 2

Regarding claim 8, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the vehicle floor of Kroll '641 with a panel formed to at least partially define integral opposing rocker panel portions, as taught by Voltz et al. '368, in order to provide stiffness to the vehicle body.

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Regarding claim 9, Kroll '641 discloses the vehicle floor (468) but does not show the panel is formed to at least partially define an integral tunnel.

Volz et al. '368 teach a floor panel formed to at least partially define an integral tunnel in Figure 2.

Regarding claim 9, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the vehicle floor of Kroll '641 with a panel formed to at least partially define integral tunnel, as taught by Voltz et al. '368, in order to cover the transmission tunnel of the vehicle.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kroll 6,537,641 in view of Chernoff et al. 6,845,839.

Regarding claim 12, Kroll '641 discloses the vehicle floor (468) but does not show the panel is comprised of a plastic material.

Chernoff et al. '839 teach a floor panel comprised of a plastic material.

Regarding claim 12, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the vehicle floor of Kroll '641 with a panel is comprised of a plastic material, as taught by Chernoff et al. '839, in order to provide structural integrity to support body components and acts as an assembly aid.

Allowable Subject Matter

8. Claim 12 is allowed.

9. Claims 2-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other vehicle floors similar to that of the current invention.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614. The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lori L. Coletta
Primary Examiner
Art Unit 3612

llc
March 10, 2005